

Case No. 07 C 6721

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

Jerold S. Solovy, )  
)  
Plaintiff, )  
)  
v. ) Case No. **07-CV-6721**  
)  
**FedEx Ground Package System, Inc.** ) Judge Kendall  
**Federal Express Corporation, FedEx** ) Magistrate Judge Ashman  
**Custom Critical, FedEx Kinko's Office** )  
**and Print Service, Inc., FedEx Corp.,** )  
**and FedEx Corporate Services, Inc.** )  
)  
Defendants. )

**DEFENDANTS' MOTION FOR AN EXTENSION OF TIME  
TO FILE THEIR ANSWER OR OTHERWISE PLEAD**

Defendants, FedEx Custom Critical, FedEx Kinko's Office and Print Service, Inc., FedEx Corporation, and FedEx Corporate Services, Inc. ("moving Defendants"), by their attorneys, O'Hagan Spencer LLC, hereby move this Honorable Court for a sixty day extension of time in which to answer or otherwise plead to Plaintiff's Complaint, to February 5, 2008. In support of their motion, Defendants state as follows:

1. On October 24, 2007, the Plaintiff, Jerold Solovy ("Plaintiff"), filed a Complaint (the Complaint") in the Circuit Court of Cook County, Law Division, bearing docket number 07 L 12043 against FedEx Ground Package System, Inc., Federal Express Corporation, FedEx Custom Critical, FedEx Kinko's Office and Print Service,

Inc., FedEx Corp., and FedEx Corporate services, Inc. (collectively referred to as "Defendants").

2. Defendants received notice of the action filed by Plaintiff on October 30, 2007, when they were served with a copy of the Complaint.

3. On November 29, 2007, within thirty (30) days following service of the Complaint, Defendants removed this action to the United States District Court for the Northern District of Illinois, Eastern Division, pursuant to 28 U.S.C. §1331, 28 U.S.C. §1337 and 49 U.S.C. §14706.

4. On the same day, November 29, 2007, two of the Defendants, FedEx Ground Package System, Inc. and Federal Express Corporation, filed their Answers and Affirmative Defenses to the Complaint.

5. Exactly what role, if any, played by the remaining, moving Defendants named in this action is presently unclear. While the investigation into the facts giving rise to this action relative to these remaining Defendants is underway, FedEx Custom Critical, FedEx Kinko's Office and Print Service, Inc., FedEx Corp., and FedEx Corporate Services, Inc. request a sixty (60) day extension of time to answer or otherwise plead.

6. This motion is being filed in good faith and not for the purpose of delaying this litigation, no parties will be prejudiced by the granting of this motion, and Plaintiff's counsel has no objection to the requested extension of time.

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**WHEREFORE**, Defendants, FedEx Custom Critical, FedEx Kinko's Office and Print Service, Inc., FedEx Corp., and FedEx Corporate Services, Inc., hereby request an Order granting them a sixty (60) day extension of time in which to answer or otherwise plead to Plaintiff's Complaint, on or before February 5, 2008.

Dated: This 6<sup>th</sup> day of December 2007.

Respectfully Submitted:

O'Hagan Spencer LLC

By: /s/ Patrick J. Keating  
Counsel for Defendants

Patrick J. Keating, (6211380)  
Edward C. Eberspacher, (6286085)  
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Of Counsel:

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Telephone: (901) 434-8558

Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document was sent via U.S. Mail, postage prepaid, this 6<sup>th</sup> day of December, 2007 to:

Robert A. Clifford, Esq.  
Clifford Law Offices  
120 North LaSalle Street  
31<sup>st</sup> Floor  
Chicago, Illinois 60602  
Telephone: (312) 899-9090

By: /s/ Patrick J. Keating  
Patrick J. Keating, Esq.

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